

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RICHARD ROY SCOTT,

Plaintiff,

v.

PACIFIC COUNTY,

Defendant.

Case No. MC05-5029-MJP

**REPORT AND
RECOMMENDATION**

Plaintiff, a Bar Order litigant, has filed a motion to proceed in forma pauperis with a proposed civil rights complaint. Dkt. 132. Plaintiff's motion to proceed in forma pauperis was referred to the undersigned Magistrate Judge. Dkt. 133. Previously, the undersigned granted the motion. Dkt. 135. However, in light of plaintiff's status as a Bar Order litigant, the undersigned, by separate order, withdrew the order granting plaintiff's motion for leave to proceed in forma pauperis. The undersigned finds and **RECOMMENDS** as follows:

(1) The March 26, 2007 Bar Order prohibits plaintiff from proceeding in forma pauperis in any action in this District "unless the Court determines that he is in imminent danger of death or serious injury." *See Scott v. Weinberg*, C06-5172-BDB, Dkt. 95 at 15 (W.D. Wash. March 26, 2007). A review of plaintiff's complaint shows that it contains no allegations of imminent danger of death or serious injury. Instead, plaintiff alleges that Special Commitment

1 Center staff have retaliated against him for engaging in litigation. Plaintiff's motion for leave to
2 proceed in forma pauperis should therefore be **DENIED**.

3 (2) Plaintiff should be given **30 days** from the date this Recommendation is adopted
4 to pay the \$350 filing fee. If plaintiff does not pay the fee, this action should not be permitted to
5 proceed. If plaintiff pays the filing fee, plaintiff's proposed complaint should be forwarded to
6 the Chief Judge for review pursuant to the terms of the April 5, 2005 Order Adopting Report and
7 Recommendation. *See Scott v. Seling*, C04-5147-RJB, Dkt. 170 at 4 (April 5, 2005).

8 A proposed Order accompanies this Report and Recommendation. Any objections to this
9 Recommendation must be filed and served upon all parties no later than **December 6, 2012**. The
10 Clerk should note the matter for **December 7, 2012**, as ready for the District Judge's
11 consideration if no objection is filed. If objections are filed, any response is due within 14 days
12 after being served with the objections. A party filing an objection must note the matter for the
13 Court's consideration 14 days from the date the objection is filed and served. The matter will
14 then be ready for the Court's consideration on the date the response is due. Objections and
15 responses shall not exceed five (5) pages. The failure to timely object may affect the right to
16 appeal.

17 DATED this 15th day of November, 2012.

18
19 

20 BRIAN A. TSUCHIDA
21 United States Magistrate Judge
22
23